

MINUTES OF THE NORWALK CITY COUNCIL MEETING ON 10-15-15  
(abridged for publication)

Mayor Tom Phillips called the City Council meeting to order at 6:00 p.m. Present at roll call: Eric Delker, Tom Greteman, Erika Isley, Kyle Jackson and Jaki Livingston (via telephone). Absent at roll call: none. (RC = roll call vote)

Phillips noted that item 6f, change order for Holly Drive NCIS project, is moved from the consent to the business portion of the meeting.  
15-206 Delker moved, Greteman seconded, to approve the **agenda** as amended. Voice vote carried unanimously.

15-207 Delker moved, Isley seconded, to approve **minutes** of the October 1st regular council meeting. Voice vote carried unanimously.

Consent included **tax abatements; block party applications;** Construction Board of Appeals appointments; **Resolution 1015-15-113** disposal of equipment; Treasurer’s Report and Department Reports; **Resolution 1015-15-121** setting November 19th as the date for a public hearing related to Urban Renewal Areas and **expenditures:**

ACK ENTERPRISES	DUMP TRUCK	\$387.00	LIVING MAGAZINE	LIVING MAGAZINE	\$999.00
ANDY MOGLE	CHEFS CLUB	\$550.80	MATHESON TRI-GAS	CHEMICALS	\$37.52
ASI	OPER SUPPLIES	\$52.50	MENARDS	LED'S	\$269.97
CARPENTER UNIFORM	POLICE	\$841.82	MENARDS	SUPPLIES	\$377.12
CITY BRAKE	PARTS	\$398.32	MERCY COLLEGE	CEH	\$10.00
CONCENTRA MED	RANDOM	\$86.00	METRO WASTE	CURB IT	\$8,797.36
CONST & AGGREGATE	EQUIPMENT	\$577.50	NANCY KUEHL	CRAFT CLUB	\$76.00
CONTRACT SPECIALTY	OPER SUPPLIES	\$545.60	NOBLE FORD	AMBULANCE	\$417.24
D HAUPTMAN CO	EQUIPMENT	\$170.75	N WARREN TOWN & CTY	MINUTES	\$114.29
DAVIS EQUIP	PARTS	\$68.17	NORWALK COMM SCHOOLS	CHEFS CLUB	\$137.70
DELAGE LANDEN	LEASE	\$394.33	NORWALK HARDWARE	SUPPLIES	\$516.85
D M WATER WORKS	DMWWW	\$36,558.75	NORWALK READY MIXED	GOLDEN VALLEY	\$7,407.50
DOWNEY TIRE	EQUIPMENT	\$92.93	NORWALK SOCCER CLUB	REFEREES	\$400.00
EMERGENCY SVCS MKTG	IamResponding.com	\$650.00	OVERHEAD DOOR CO	REPAIR	\$156.00
EMS PROFESSIONALS	EQUIPMENT	\$823.00	PAPER FREE TECH	ANNUAL MAINT	\$2,530.00
ENVIRONMENTAL SYSTEMS RESE	ANNUAL ESRI	\$5,700.00	PLUMB SUPPLY	PLUMB SUPPLY	\$153.87
EXPENSE REDUCTION SERVICES	CONSULTANT	\$1,313.60	PURCHASE POWER	POSTAGE	\$991.98
FREEDOM TIRE & AUTO CENTER	TIRES	\$1,218.96	PUSH PEDAL PULL	FITNESS ROOM	\$2,640.00
G & L CLOTHING	G & L CLOTHING	\$412.33	RADAR ROAD TEC	RADAR CERT	\$292.00
GE CAPITAL	COPIER LEASE	\$520.00	REASONER'S GARAGE	SUPPLIES	\$303.56
GRAYBAR	BATTERIES	\$331.36	REGISTER MEDIA	PUBLIC HEARINGS	\$101.24
GREGG YOUNG	REPAIR 38	\$929.74	ROYS SERVICE	VEHICLE REPAIR	\$100.00
HEARTLAND TECHNOLOGY	COMPUTER EQUIP	\$2,674.00	SAMS CLUB	SUPPLIES	\$382.60
INDIANOLA FIRE DEPARTMENT	BILLING SERVICE	\$1,995.00	SCOTTS FOODS	SUPPLIES	\$120.73
INDOFF INC	PHONE CORD	\$86.30	SENECA CO	OFFICE SUPPLIES	\$22.07
INTERSTATE POWER SYSTEMS	SUPPLIES	\$5.36	SHRED IT	ON SITE SVC	\$46.06
IOWA DIVISION OF LABOR SER	BOILER	\$80.00	ST JOHN'S	DADDY/DAUGHTER	\$75.00
IOWA LAW ENFORCEMENT ACADE	DUNLOP	\$6,285.00	STRAUSS SECURITY SOL	SUPPLIES	\$15.00
IOWA RADIOLOGY	PHYSICAL TEST	\$33.00	SWANA	MEMBERSHIP	\$190.00
IOWA WILD HOCKEY	TICKETS	\$104.00	TERMINIX INTL	PEST CONTROL	\$3.00
IA WINDOW SVC	CITY HALL	\$85.00	TREAS, STATE OF IA	SALES TAX	\$9,004.35
IA WORKFORCE DEVEL	3RD QTR UNEMPLOY	\$250.24	TYLER TECH	SERVICE	\$115.00
JODI EDDLEMAN	REIMBURSE	\$13.20	UNITY POINT CLINIC	TESTING	\$74.00
KABEL BUSINESS SVCS	HRA CKS	\$9,632.79	UNITYPOINT HEALTH	PRE-EMPLOY	\$421.00
KELTEK INC	REPAIR	\$4,076.02	USA BLUE BOOK	SUPPLIES	\$332.75
KENNY MCCAULEY	BALLROOM DANCING	\$603.73	VEENSTRA & KIMM	ORCHARD VIEW	\$13,920.64
LANDS END BUSINESS	CLOTHING ALLOW	\$359.97	WADE WAGONER	MILEAGE REIMB	\$212.19
LASER RESOURCES	COPIER LEASE	\$279.37			

15-208 Motion by Greteman, Delker seconded, to approve **consent** agenda passed unanimously, RC.

15-209 Motion by Greteman, Isley seconded, to adopt **Resolution 1015-15-115** approving night staff pay schedule for the Fire Department passed 4-0, with Delker abstaining for conflict of interest, RC.

15-210 Motion by Greteman, Delker seconded, to adopt **Resolution 1015-15-116** approving Norwalk Orchard View Plat 2 – final plat passed unanimously, RC.

15-211 Motion by Isley, Delker seconded, to adopt **Resolution 1015-15-117** approving Silverado Ranch Estates Plat 2 – preliminary plat passed 4-1, with Livingston voting against, RC.

15-212 Motion by Isley, seconded by Greteman, to adopt **Resolution 1015-15-118** approving preliminary plans and specifications and resolution of necessity, for Founders' District Water Main project passed unanimously, RC.

15-213 Motion by Delker, seconded by Greteman, to adopt **Resolution 1015-15-119** approving Letter of Understanding with United Properties for Elizabeth Holland Park passed unanimously, RC.

Councilmember Livingston left the meeting.

15-214 Motion by Greteman, seconded by Jackson, to adopt **Resolution 1015-15-120** approving preliminary terms of development agreement with United Properties for property generally located at the NE corner of Highway 28/Sunset Drive and Beardsley Street passed unanimously, RC.

15-215 Motion by Jackson, Greteman seconded, to adopt **Resolution 1015-15-114** approving change order for Holly Drive sidewalk passed unanimously, RC.

15-216 Jackson moved, Greteman seconded, to **adjourn** meeting at 7:13 p.m. Voice vote carried unanimously.

---

Tom Phillips, Mayor

Attest:

---

Jodi Eddleman, City Clerk

MINUTES OF THE NORWALK CITY COUNCIL MEETING ON 10-15-15  
(Unabridged version)

Mayor Tom Phillips called the City Council meeting to order at 6:00 p.m. Present at roll call: Eric Delker, Tom Greteman, Erika Isley, Kyle Jackson and Jaki Livingston (via telephone). Absent at roll call: none. (RC = roll call vote)

Staff present included: Marketa Oliver, City Manager; Jodi Eddleman, City Clerk; Tim Hoskins, Public Works Director; Nancy Kuehl, Parks and Recreation Director; Ryan Coburn, Assistant Fire Chief; Greg Staples, Police Chief; Luke Parris, City Planner and Jim Dougherty, City Attorney.

Phillips noted that item 6f, change order for Holly Drive NCIS project, is moved from the consent to the business portion of the meeting.

15-206 Delker moved, Greteman seconded, to approve the **agenda** as amended. Voice vote carried unanimously.

Presentation(s)  
None.

Welcome of Guests and Public Comment  
With no one present wishing to speak, Mayor Phillips opened the City Council meeting.

15-207 Delker moved, Isley seconded, to approve **minutes** of the October 1st regular council meeting. Voice vote carried unanimously.

Consent included **tax abatements; block party applications** for 600 block of Gordon Avenue and 1400-1700 blocks of Parkhill Dr; **Appointments** to Construction Board of Appeals **Resolution 1015-15-113** approving disposal of workout room equipment; acceptance of September Treasurer’s Report and Monthly Department Reports; **Resolution 1015-15-121** setting November 19th as the date for a public hearing related to Urban Renewal Areas and the following **expenditures**:

ACK ENTERPRISES	DUMP TRUCK	\$387.00	LIVING MAGAZINE	LIVING MAGAZINE	\$999.00
ANDY MOGLE	CHEFS CLUB	\$550.80	MATHESON TRI-GAS	CHEMICALS	\$37.52
ASI	OPER SUPPLIES	\$52.50	MENARDS	LED'S	\$269.97
CARPENTER UNIFORM	POLICE	\$841.82	MENARDS	SUPPLIES	\$377.12
CITY BRAKE	PARTS	\$398.32	MERCY COLLEGE	CEH	\$10.00
CONCENTRA MED	RANDOM	\$86.00	METRO WASTE	CURB IT	\$8,797.36
CONST & AGGREGATE	EQUIPMENT	\$577.50	NANCY KUEHL	CRAFT CLUB	\$76.00
CONTRACT SPECIALTY	OPER SUPPLIES	\$545.60	NOBLE FORD	AMBULANCE	\$417.24
D HAUPTMAN CO	EQUIPMENT	\$170.75	N WARREN TOWN & CTY	MINUTES	\$114.29
DAVIS EQUIP	PARTS	\$68.17	NORWALK COMM SCHOOLS	CHEFS CLUB	\$137.70
DELAGE LANDEN	LEASE	\$394.33	NORWALK HARDWARE	SUPPLIES	\$516.85
D M WATER WORKS	DMWWW	\$36,558.75	NORWALK READY MIXED	GOLDEN VALLEY	\$7,407.50
DOWNEY TIRE	EQUIPMENT	\$92.93	NORWALK SOCCER CLUB	REFEREES	\$400.00
EMERGENCY SVCS MKTG	IamResponding.com	\$650.00	OVERHEAD DOOR CO	REPAIR	\$156.00
EMS PROFESSIONALS	EQUIPMENT	\$823.00	PAPER FREE TECH	ANNUAL MAINT	\$2,530.00
ENVIRONMENTAL SYSTEMS RESE	ANNUAL ESRI	\$5,700.00	PLUMB SUPPLY	PLUMB SUPPLY	\$153.87
EXPENSE REDUCTION SERVICES	CONSULTANT	\$1,313.60	PURCHASE POWER	POSTAGE	\$991.98
FREEDOM TIRE & AUTO CENTER	TIRES	\$1,218.96	PUSH PEDAL PULL	FITNESS ROOM	\$2,640.00
G & L CLOTHING	G & L CLOTHING	\$412.33	RADAR ROAD TEC	RADAR CERT	\$292.00
GE CAPITAL	COPIER LEASE	\$520.00	REASONER'S GARAGE	SUPPLIES	\$303.56
GRAYBAR	BATTERIES	\$331.36	REGISTER MEDIA	PUBLIC HEARINGS	\$101.24
GREGG YOUNG	REPAIR 38	\$929.74	ROYS SERVICE	VEHICLE REPAIR	\$100.00
HEARTLAND TECHNOLOGY	COMPUTER EQUIP	\$2,674.00	SAMS CLUB	SUPPLIES	\$382.60
INDIANOLA FIRE DEPARTMENT	BILLING SERVICE	\$1,995.00	SCOTTS FOODS	SUPPLIES	\$120.73
INDOFF INC	PHONE CORD	\$86.30	SENECA CO	OFFICE SUPPLIES	\$22.07
INTERSTATE POWER SYSTEMS	SUPPLIES	\$5.36	SHRED IT	ON SITE SVC	\$46.06
IOWA DIVISION OF LABOR SER	BOILER	\$80.00	ST JOHN'S	DADDY/DAUGHTER	\$75.00
IOWA LAW ENFORCEMENT ACADE	DUNLOP	\$6,285.00	STRAUSS SECURITY SOL	SUPPLIES	\$15.00
IOWA RADIOLOGY	PHYSICAL TEST	\$33.00	SWANA	MEMBERSHIP	\$190.00
IOWA WILD HOCKEY	TICKETS	\$104.00	TERMINIX INTL	PEST CONTROL	\$3.00
IA WINDOW SVC	CITY HALL	\$85.00	TREAS, STATE OF IA	SALES TAX	\$9,004.35
IA WORKFORCE DEVEL	3RD QTR UNEMPLOY	\$250.24	TYLER TECH	SERVICE	\$115.00
JODI EDDLEMAN	REIMBURSE	\$13.20	UNITY POINT CLINIC	TESTING	\$74.00
KABEL BUSINESS SVCS	HRA CKS	\$9,632.79	UNITYPOINT HEALTH	PRE-EMPLOY	\$421.00
KELTEK INC	REPAIR	\$4,076.02	USA BLUE BOOK	SUPPLIES	\$332.75
KENNY MCCAULEY	BALLROOM DANCING	\$603.73	VEENSTRA & KIMM	ORCHARD VIEW	\$13,920.64
LANDS END BUSINESS	CLOTHING ALLOW	\$359.97	WADE WAGONER	MILEAGE REIMB	\$212.19
LASER RESOURCES	COPIER LEASE	\$279.37			

15-208 Motion by Greteman, Delker seconded, to approve **consent** agenda passed unanimously, RC.

15-209 Motion by Greteman, Isley seconded, to adopt **Resolution 1015-15-115** approving night staff pay schedule for the Fire Department passed 4-0, with Delker abstaining for conflict of interest, RC.

15-210 Motion by Greteman, Delker seconded, to adopt **Resolution 1015-15-116** approving Norwalk Orchard View Plat 2 – final plat passed unanimously, RC.

#### **Silverado Ranch Estates Preliminary Plat**

Livingston asked if this is approving the plat without a secondary connecting road and Phillips answered yes.

Hoskins said that public works strongly recommended another road connecting to Clark Street to the south.

Jackson asked what the developer's objection was. Parris said that the developer stated they want to preserve the character of the neighborhood and wish to prevent traffic cutting through the subdivision to get to Highway G14.

Jackson asked what Planning and Zoning Commission (P & Z) thought about this. Stephanie Riva, P & Z Chair, responded that almost all of Legacy is a cul-de-sac and there are newer neighborhoods in Echo Valley that have the same setup.

Greteman said the Ridge has three entrances and asked if the proposed plat could have an additional connection to the east. Parris said that currently there is no right-of-way there.

Greteman asked how many new homes it is and Isley said thirty-one, in addition to the twenty-two already there. Jackson asked if this is the capacity of it and Parris said there could be more to the east.

Parris added that the city code does not currently require a certain number of access points for a certain number of housing units. Livingston clarified that just because it is not in the code does not mean the council cannot require it.

Hoskins pointed out one of the differences with this subdivision and the golf course subdivisions is that they are not adjacent to any other roads. In Legacy the city has made provisions for stub roads to go to the south and eventually connect to G14; as well as, extending High Road to 50th. This proposal has growth happening immediately adjacent to another roadway.

Brad Kiel, Civil Design Advantage, Grimes, Iowa, said the developer does not want a second access to the development because the neighboring area has significant terrain differences; Clark Street is a gravel road. Also, because of topography, where the access could be placed would make it quite close to another intersection. He stated concern about safety of limited sight distance on Clark Street. They wish to maintain integrity of the development with large lots and do not want to encourage through traffic. Isley asked if they were going to be more one-acre lots and he said yes.

Riva stated that at the P & Z meeting, the commission asked staff about public safety and were assured that both police and fire had looked at it and raised no concerns.

15-211 Motion by Isley, Delker seconded, to adopt **Resolution 1015-15-117** approving Silverado Ranch Estates Plat 2 – preliminary plat passed 4-1, with Livingston voting against, RC.

15-212 Motion by Isley, seconded by Greteman, to adopt **Resolution 1015-15-118** approving preliminary plans and specifications and resolution of necessity, for Founders' District Water Main project passed unanimously, RC.

15-213 Motion by Delker, seconded by Greteman, to adopt **Resolution 1015-15-119** approving Letter of Understanding with United Properties for Elizabeth Holland Park passed unanimously, RC.

#### **United Properties Development Agreement**

Phillips stated the proposed development agreement is just for discussion tonight and can be brought back at a future council meeting for consideration. The key points council is asked to agree to are a TIF rebate for Masteller Road; up to \$200,000 payment for expense to move fuel storage tanks, over and above the initial \$300,000 that United Properties is to pay; and an Urban Renewal Plan Amendment to expand the TIF area.

Phillips said that he would like to make sure that the public improvement build is tied to commercial development.

Greteman asked what it is zoned today and Parris said this property is partially a mixed use PUD, allowing some residential, and partially commercial.

Greteman confirmed that council would still have to approve that plat and could make sure they don't build houses along Highway 28 / Sunset Drive.

Scott McMurray, United Properties, said regarding engineering and development of Masteller Road, they will upfront the cost. Then, upon completion, the city will accept it and reimburse them for the cost. Construction is intended to begin next summer.

McMurray said the city will be able to capture the increment from any vertical improvement in the district and there will not be any increment in this district used for residential development.

Phillips wants a third bullet point included that indicates the city may use the increment for any other public improvement the city deems necessary. McMurray said United Properties does not need the paragraph related to the requirement that TIF has to be used to upgrade Beardsley Street.

Councilmember Livingston left the meeting.

15-214 Motion by Greteman, seconded by Jackson, to adopt **Resolution 1015-15-120** approving preliminary terms of development agreement with United Properties for property generally located at the NE corner of Highway 28/Sunset Drive and Beardsley Street passed unanimously, RC.

#### **Holly Drive Sidewalks Change Order**

Hoskins explained that the original plans identified sidewalk panel replacements on both sides of Holly Drive, which costs were to be assessed to residents. When MidAmerican found a main gas line almost under the sidewalk, the change order to replace the sidewalk on the east side of the street was approved. He said property owners on the west side of the street are now asking for all of that sidewalk to be replaced also.

Greteman asked what the total of the change order is and Hoskins replied, per memo and resolution, the amount is just over \$8,400.

Tom Stovie, McClure Engineering, said there will not be final quantities until the project is complete and a portion of the extra sidewalk area request can be covered by the property owners with the final assessment.

Liz Dace, 1115 Holly Drive, said some panels have shifted up and down and it is a safety concern.

Amanda Dorr, 1013 Holly Drive, said she is in agreement and asked council to please consider this request.

15-215 Motion by Jackson, Greteman seconded, to adopt **Resolution 1015-15-114** approving change order for Holly Drive sidewalk passed unanimously, RC.

### **Zoning Code Update**

Parris said two public hearings have been held on the proposed changes. Now staff would like to go through those sections and address any concerns, so that an ordinance can be brought back to council for consideration.

Greteman said he wants to know more about what the DHS rules regarding in-home daycares are. He asked if the city is proposing to allow two employees, with sixteen children, in a nine hundred square foot house, on a sixty foot lot? He asked what the grievance process would be?

He confirmed that it is currently not allowed, the providers have been violating the zoning code for a long time, and this proposal works to legitimize in-home daycares in the city.

Greteman also wants answers to the following questions: What are the neighbors' rights? Can they also care for sixteen kids in an apartment complex or in shared-wall homes? Does DHS have a minimum square footage requirement? How would the city enforce and verify that there are not unlicensed C2 providers in the city? He added that he thinks in-home businesses will be a challenge in the next ten years and the city will deal with this more and more.

Parris said that anything up to a C1 is allowed as a home occupation with no further review.

Jackson suggested the zoning code update be brought back in sections and feels there is a lot more work to be done on this section before it comes back to the council.

Oliver suggested if there is consensus that council would not like to see special use permits provisions, then they could ask the P & Z Commission to take another look at it. Staff could then bring back architectural standards and other sections, on which there is agreement, for consideration.

Council directed staff to bring back requested information for additional discussion about issues related to day care providers.

### **NCIS Update**

Hoskins reported that the main part of Holly Drive was poured, no intersection poured until repairs are done to panels replacing driveway approaches installed on east side and conduit on west side. Then contractors will start working on driveway approaches, sidewalk and finish intersection at Shady Lane Drive.

Greteman asked when people will be able to drive on the street. Hoskins answered within a week.

Hoskins said Wakonda Drive is moving along well. They tore out 72 inches of pipe by pond and are getting ready to install culvert. He said there has been great prep work where sewer line is being installed.

Jackson asked if the project would be done before snow and Hoskins said, if everything works out well, it still could be three to four weeks out.

Hoskins reported that Happy Hollow Drive project is done.

### **Reports**

Staples reported that officer Greg Bryant started today and will be at the next council meeting to introduce himself.

Coburn said on October 29th he is traveling to Sumner, Iowa to pick up the new ambulance.

Kuehl stated the dog park committee has collected \$9,000, so far; next summer there may be a dog park at City Park.

15-216 Jackson moved, Greteman seconded, to **adjourn** meeting at 7:13 p.m. Voice vote carried unanimously.

---

Tom Phillips, Mayor

Attest:

---

Jodi Eddleman, City Clerk